

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CHAPTER 7
: :
GHANDI PARIKA ARNOLD, : CASE NO. 11-65529-JEM
Debtor. : :
: JUDGE JAMES E. MASSEY
ACCEPTANCE RENTALS, INC., : :
Plaintiff, : ADVERSARY NO.
v. : :
GHANDI PARIKA ARNOLD, : :
Defendant. : :

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT
PURSUANT TO 11 U.S.C. § 523(A)(6)

COMES NOW, ACCEPTANCE RENTALS, INC., a creditor of the above-named Defendant and respectfully shows the Court as follows:

1.

This Adversary Proceeding is one arising out of the Debtors' Case No. 11-65529-JEM under Chapter 7 of Title 11 now pending before this Court. The Court has jurisdiction of this Adversary Proceeding pursuant to 28 U.S.C. § 1334, and 11 U.S.C. § 523 and 727.

2.

Defendant filed a petition for relief under Chapter 7 of the United States Bankruptcy Code on May 26, 2011.

3.

Plaintiff has a claim in the amount of \$7,272.00, secured by a Lease Purchase Agreement for household goods ("Collateral").

4.

On or about July 21, 2011, Plaintiff filed a Motion for Relief from Stay in Debtor's underlying bankruptcy case (Doc. #22). Thereafter, on or about August 12, 2011, an Order Granting Relief from the Automatic Stay was entered (Doc. # 25). Accordingly, the automatic stay in the instant case has expired without Debtor reaffirming said Collateral. As of the date of filing this Complaint, Debtor has refused to turn over Collateral and upon information and belief is hiding said Collateral. It appears Debtor has no intention of cooperating with Creditor regarding the surrender of the Collateral.

5.

Debtor's actions show that the Debtor had no intention to repay this Debt and/or surrender said Collateral. Debtor has willfully and maliciously injured Creditor under 11 U.S.C. § 523(a)(6).

WHEREFORE, Plaintiff respectfully requests that the Debt owing to Plaintiff, in the amount of \$7,272.00, be accepted from discharge under 11 U.S.C. § 523(a)(6), and that recover reasonable costs and attorney's fees in bringing this action; and that Plaintiff be accorded such other relief as the Court deems just and proper.

Respectfully Submitted,

Sicay-Perrow, Knighten & Bohan, P.C.

/s/

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